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**Patent and Trademark Office**

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DR

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/591,539	06/09/00	NIELSEN	

QM32/0508

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EXAMINER  
ARNOLD

ART UNIT  
3720

PAPER NUMBER

DATE MAILED: 05/08/01

DR  
3

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

RE

# Office Action Summary

Application No.

09/591,539

Applicant(s)

Nielsen et al

Examiner

Troy Arnold

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3728



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 9, 2000
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 20) ☐ Other: \_\_\_\_\_

Substitute for form 1449A/PTU

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

of

✓

**Complete if Known**

Application Number

Filing Date

**First Named Inventor**

Tina Marie Nielsen

### Group Art Unit

Examiner Name

Attorney Docket Number

## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

Examiner  
Signature

They can do it

Date \_\_\_\_\_

**Considered**

5.2.0

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Wade.

Regarding claim 1, Wade teaches a flexible sheet with an integral carrying case comprising a flexible sheet having two ends and two edges, and a flexible case openable at one end, with an outer and inner surface, and with a portion of the inner surface attached at the top portion of the sheet. The case is clearly intended to contain the sheet and is inherently capable of receiving a pillow. Regarding claim 2, Wade shows a slip cover pocket at the upper end of the sheet (wrinkled area). Regarding claim 8, Wade teaches a strap in Fig 2.

Claim 7 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wade. The carrying means taught by Wade, the strap shown in Fig 2, appears to be attached to the outer surface of the case.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wade in view of Silvestri. Silvestri teaches a slip cover pocket at an upper end of a sheet for exactly the same purpose as in the instant invention. It would have been obvious in view of Silvestri to incorporate a slip cover pocket in the upper end of the sheet of Wade for the purpose of making the sheet more resistant to blowing away in windy conditions. Regarding claim 3, it would have been obvious in view of Silvestri to put a second slip cover pocket at a lower end of the sheet of Wade in order to further retain the sheet in the vent of windy conditions.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wade. Wade teaches all the limitations of claim 4 except one pocket located adjacent each longitudinal edge. It would have been obvious to one of ordinary skill in the art to put pockets on the other side of the sheet of Wade for the purpose of providing more usable storage space. Regarding claim 5, Wade shows pockets substantially on longitudinal edges, extending away from the sheet.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wade in view of Buhot et al, Hunt or Battistella. Wade teaches all the limitations of claim 6 except the pockets all located inwardly of the longitudinal edges. Buhot teaches a pocket 3 inward of the edges of a

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beach towel. Hunt teaches a beach towel with pockets 22,24,26 which are inward of the edges. Battistella teaches a beach towel with pockets 12b located inward of the edges. It would have been obvious in view of any of these three references to one of ordinary skill in the art at the time the invention was made to put pockets inward of the edges on the sheet of Wade for any number of reasons, such as a more convenient access when in use. (It is also noted that were the pocket flap of Wade to be flipped up onto the chair rather than hanging down on the side, the pockets would technically all be located inwardly of the longitudinal edges.)

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wade in view of Terrazas. Wade teaches all the limitations of claim 9 except a waterproof sheet attached to the bottom of the flexible sheet. Terrazas teaches a sheet with a waterproof layer for a similar purpose. It would have been obvious to one of ordinary skill in the art at the time the invention was made to put a waterproof layer on the bottom of the flexible sheet of Wade in order to protect the user from moisture on a chair.

Applicant is also directed to the other references cited but not relied upon which teach the same or similar features, and for the same purposes, as those claimed in the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Arnold whose telephone number is (703) 305-0621.

tga

May 3, 2001

**Paul T. Sewell**  
**Supervisory Patent Examiner**  
**Group 3700**